

SENATE BILL NO. 46

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - FIRST SESSION

BY SENATORS GRAY-JACKSON, Begich

Introduced: 1/25/21

Referred: Community & Regional Affairs, State Affairs, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the Alaska Police Standards Council; relating to municipal
2 correctional officers and municipal correctional employees; making municipal police
3 officers subject to police standards; establishing a statewide use-of-force database in the
4 Department of Public Safety; requiring a municipality that employs a person as a
5 municipal police officer or in a municipal correctional facility, the Department of
6 Corrections, or the Department of Public Safety to report for inclusion in the database
7 incidents of use of force by state and municipal police, probation, parole, and
8 correctional officers and municipal correctional facility employees; and providing for an
9 effective date."

10 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

11 * **Section 1.** AS 18.65.220 is amended by adding new subsections to read:

12 (b) The council shall adopt regulations requiring a police officer, probation

officer, parole officer, municipal correctional officer, or correctional officer to report to a supervisor, as soon as practicable, an incident in which an officer used deadly force or prepared to use deadly force against a person.

(c) The council shall maintain a central registry of police officers, probation officers, parole officers, municipal correctional officers, and correctional officers who have had a certificate denied or revoked under AS 18.65.240(c) or 18.65.245. The council may enter and maintain in the central registry information that the council obtains from the Department of Public Safety, the Department of Corrections, or a municipality about each officer who has had a certificate denied or revoked. The council shall adopt regulations to ensure the appropriate circulation to law enforcement agencies of information contained in the central registry.

(d) The council shall prepare a report detailing the central registry information updates that have been entered in the preceding year and submit the report to the chief clerk of the house of representatives and the senate secretary not later than December 1 of each year.

(e) Upon request, the council shall assist a department, an agency, or a municipality in developing rules that comply with regulations adopted under (b) of this section.

* **Sec. 2.** AS 18.65.285 is amended to read:

Sec. 18.65.285. Municipal correctional employees. A municipality that employs persons in a municipal correctional facility shall [MAY, BY ORDINANCE,] require that those persons meet the requirements of AS 18.65.130 - 18.65.290 that are applicable to municipal correctional officers.

* **Sec. 3.** AS 18.65.290(6) is amended to read:

(6) "municipal correctional officer" means a person who is employed full-time in a municipal correctional facility whose primary duty is to provide custody, care, security, control, and discipline of persons charged or convicted of offenses or held under authority of law; [AND THE MUNICIPALITY HAS ADOPTED AN ORDINANCE UNDER AS 18.65.285 MAKING AS 18.65.130 - 18.65.290 APPLICABLE;]

* **Sec. 4.** AS 18.65.290 is amended by adding a new paragraph to read:

(10) "deadly force" has the meaning given in AS 11.81.900(b).

* **Sec. 5.** AS 18.65.670(c) is amended to read:

(c) The commissioner of public safety may adopt regulations related to village public safety officers, including minimum standards and training, criteria for participation by a community, a municipality, an Alaska Native organization, or a corporation, and the interaction between the Department of Public Safety and village public safety officers. Regulations adopted by the commissioner of public safety under this subsection may not prohibit village public safety officers who otherwise meet minimum standards and training from carrying firearms. If the commissioner of public safety adopts regulations regarding training for village public safety officers, at a minimum, that training must include disability training that provides training in the subjects set out in AS 18.65.220(a)(3) [AS 18.65.220(3)]. The commissioner of corrections may adopt regulations related to the functions of village public safety officers providing probation and parole supervision.

* **Sec. 6.** AS 29.71 is amended by adding a new section to read:

Sec. 29.71.070. Use of force reporting requirement. A municipality that employs a person as a municipal police officer or in a municipal correctional facility shall submit to the Department of Public Safety for inclusion in the statewide use-of-force database established under AS 44.41.055 a report of each incident in which a municipal police officer or municipal correctional facility employee uses force against a person. The report must include the information required under AS 44.41.055(b).

* **Sec. 7.** AS 44.28.020 is amended by adding a new subsection to read:

(d) The department shall submit to the Department of Public Safety for inclusion in the statewide use-of-force database established under AS 44.41.055 a report of each incident in which a probation officer, parole officer, or correctional officer uses force against a person. The report must include the information required under AS 44.41.055(b).

* **Sec. 8.** AS 44.41.020 is amended by adding a new subsection to read:

(h) The Department of Public Safety shall submit to the statewide use-of-force database established under AS 44.41.055 a report of each incident in which a state trooper, village public safety officer, or regional public safety officer uses force

1 against a person. The report must include the information required under
2 AS 44.41.055(b).

3 * **Sec. 9.** AS 44.41 is amended by adding a new section to read:

4 **Sec. 44.41.055. Statewide use-of-force database.** (a) To support criminal
5 justice services in the state, the Department of Public Safety shall establish a statewide
6 use-of-force database.

7 (b) The Department of Public Safety shall collect reports of use of force by a
8 municipal police officer or municipal correctional facility employee submitted by a
9 municipality under AS 29.71.070, by a probation officer, parole officer, or
10 correctional officer submitted by the Department of Corrections under
11 AS 44.28.020(d), and by a state trooper, village public safety officer, or regional
12 public safety officer submitted by the Department of Public Safety under
13 AS 44.41.020(h) and record in the database each incident in which force was used,
14 including the

15 (1) age and race of the

16 (A) person against whom force was used; and

17 (B) officer or employee who used force against that person;

18 (2) sexual orientation and gender identity, if voluntarily provided, of
19 the

20 (A) person against whom force was used; and

21 (B) officer or employee who used force against that person;

22 (3) name of the officer or employee who used force against a person;

23 (4) borough or census area in which the use of force occurred; and

24 (5) type of force that was used.

25 (c) Information about a municipal police officer or municipal correctional
26 facility employee recorded in the database under (b)(1)(B), (b)(2)(B), (b)(3), and
27 (b)(4) of this section is confidential and not subject to public disclosure. However, the
28 Department of Public Safety shall provide the information to a municipality or law
29 enforcement agency for employment purposes.

30 (d) The Department of Public Safety shall prepare a report detailing the
31 information contained in the database reports that have been entered in the preceding

1 year and submit the report to the chief clerk of the house of representatives and the
2 senate secretary not later than December 1 of each year.

3 (e) In this section,

4 (1) "gender identity" means having or being perceived as having a
5 gender, self-image, appearance, or behavior, regardless of whether that gender, self-
6 image, appearance, or behavior is different from that traditionally associated with the
7 sex assigned to that person at birth;

8 (2) "law enforcement agency" means a public agency that performs as
9 one of its principal functions an activity relating to crime prevention, control, or
10 reduction or relating to the enforcement of the criminal law; "law enforcement
11 agency" does not include a court;

12 (3) "sexual orientation" means heterosexuality, homosexuality, and
13 bisexuality.

14 * **Sec. 10.** AS 18.65.280(b) is repealed.

15 * **Sec. 11.** The uncodified law of the State of Alaska is amended by adding a new section to
16 read:

17 APPLICABILITY. AS 18.65.285, as amended by sec. 2 of this Act, applies to
18 employment contracts entered into on or after the effective date of sec. 2 of this Act.

19 * **Sec. 12.** The uncodified law of the State of Alaska is amended by adding a new section to
20 read:

21 TRANSITION: EMPLOYMENT. Each person who, on the effective date of sec. 10 of
22 this Act, is employed as a municipal correctional officer or municipal police officer by a
23 political subdivision with an established police training program that met the requirements for
24 exemption under former AS 18.65.280(b), repealed by sec. 10 of this Act, has one year from
25 the effective date of sec. 10 of this Act to comply with the requirements of AS 18.65.240.

26 * **Sec. 13.** The uncodified law of the State of Alaska is amended by adding a new section to
27 read:

28 TRANSITION: REGULATIONS. The Department of Corrections, the Department of
29 Public Safety, and a municipality that employs a person as a municipal police officer or in a
30 municipal correctional facility shall adopt regulations necessary to implement secs. 6 - 9 of
31 this Act. The regulations take effect under AS 44.62 (Administrative Procedure Act), but not

1 before the effective date of secs. 6 - 9 of this Act. The Department of Corrections, the
2 Department of Public Safety, and municipalities shall adopt and publish these regulations by
3 January 1, 2022.

4 * **Sec. 14.** Section 13 of this Act takes effect immediately under AS 01.10.070(c).

5 * **Sec. 15.** Except as provided in sec. 14 of this Act, this Act takes effect July 1, 2021.